

REMARKS

Claims 1 – 11, 24, 27, and 28 – 34 are pending in the application. Claims 10, 12 – 20 and 35 – 39 are withdrawn from consideration. Claims 21 – 23, 25, and 26 are canceled without prejudice. No new matter is presented.

The Office submitted a restriction requirement in response to applicants' addition of method claims in the amendment filed February 3, 2009. Restriction to one of the following inventions is required:

- I. Claims 1 – 11, 24, 27, and 28 – 34 drawn to a solid drug formulation classified in class 424, subclass 1.13;
- II. Claims 12 – 14, drawn to a capsule, classified in class 424, subclass 1.13;
- III. Claims 15 – 20, drawn to a tablet, classified in class 424, subclass 1.13; and
- IV. Claims 35 – 39, drawn to a method of preparing ospemifene, classified in class 424, subclass 1.13.

If Invention I is elected the Office also requires election of the following species: (a) dry granulation (Claim 10); or (b) wet granulation (Claim 11).

In reply, applicants elect Invention I corresponding to Claims 1 – 11, 24, 27, and 28 – 34. Applicants also elect species (b) wet granulation corresponding to Claim 11. The claims relating to non-elected Inventions II and III have been withdrawn with the understanding that they will be rejoined once linking Claim I has been found allowable. The Examiner has not indicated whether the Invention IV claims will be rejoined under the same circumstance. In any event, applicants reserve the right to file divisional applications on the non-elected subject matter, whether ultimately rejoined or not.

If the Examiner believes that I have misinterpreted the requirement or that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-302-6042.

Respectfully submitted,

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